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May 10, 2007

## **Via Electronic Filing**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: **Notice of *Ex Parte* Communication**  
ET Docket No. 07-27 (RM-11359)  
*Los Angeles Sheriff's Department Request for Waiver  
of Section 15.231*



ATLANTA

AUSTIN

BOSTON

DALLAS

DELAWARE

NEW YORK

SAN DIEGO

SILICON VALLEY

TWIN CITIES

WASHINGTON, DC

Dear Ms. Dortch:

On May 9, 2007, the Safe and Secure Access Coalition ("Coalition") met with members of the Commission's Office of Engineering and Technology to discuss the above-referenced waiver request filed by the Los Angeles Sheriff's Department ("LASD"). The representatives from the Coalition were Mark Wagner of Johnson Controls, Inc., Robert Keller and James Fitzgibbon of The Chamberlain Group Inc., and Robert Ungar and Donna Balaguer of Fish & Richardson P.C. The representatives from the Commission were, in alphabetical order, Ira Keltz, Julius Knapp, Karen Rackley, Bruce Romano and Alan Stillwell.

The Coalition reiterated the concerns that were described in detail in the Comments filed by the Coalition on March 19, 2007, some of which are identified below. In addition, the Coalition raised questions and concerns with respect to new information regarding the waiver request that was found in the *ex parte* filing made by LASD on May 2, 2007. The issues include:

- The Coalition explained that the proposed overmaster device will not work as LASD apparently envisions. The Coalition explained that the majority of garage door openers now operate with a rolling code system and that it could take an overmaster 309 years to cycle through all of the possible codes before finding the one that will open the garage door.
- The Coalition stressed that, while it appreciates the objectives of LASD for the proposed device, it questions whether the overmaster is likely to meet those objectives, and might actually cause unintended harm while trying to do so.

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- The Coalition explained that, while cycling through the possible codes, the overmaster will interfere with surrounding door and entry systems. Given the number of homes that are likely to surround the one the police wish to enter, the overmaster would be more likely to cycle through and open the garage and other entry systems of adjacent homes, rather than the one targeted by the police. LASD's proposed antenna is not directional and does not mitigate this effect. In the proposed frequency range, and considering the sensitivity of the garage door receiver, it is technically infeasible to use the directional antenna as outlined in an attempt to target only one specific garage door. Therefore, the Coalition reiterated that, contrary to LASD's claims, it does oppose the waiver of the five second rule, as the waiver will permit unacceptable interference.
- The Coalition is concerned that these unintentional activations will expose homes and their residents to theft and harm, thereby defeating the purpose of securing the garage door, and may actually undermine public safety goals.
- The Coalition is concerned that the overmaster would fall into the wrong hands, where it could be reversed engineered and easily reproduced. The wrong party with ill intentions could use it to open older garage door systems that operate on a fixed code design or, if the overmaster does succeed in finding the right code, a newer garage door, and permit that party access to the home or business.
- The Coalition indicated that the overmaster will not work under any circumstance if the suspect disables the garage door (pulling the plug for example) or simply presses the "vacation lock" button which prevents a transmitter from activating the opener.
- The Coalition reiterated its concern, which is heightened by information in the LASD *ex parte* filing, that it is unclear what LASD is developing and whether the waiver request is not premature. LASD talks about two devices – the overmaster and another device that appears to be a code grabber. LASD indicated it may no longer be the waiver applicant, but did not indicate who would be. LASD further indicated that the conditions it suggested for the overmaster would be contained in a sales contract. This is certainly different than LASD's declaration in the waiver request that the overmaster would be under the control of law enforcement at all times.
- The Coalition expressed its concern with the proposed code grabber device, which is not the subject of the waiver request, but will need an equipment authorization from the Commission. Such devices have been ruled illegal in many states as contrary to the public interest. Again, such a device could be easily stolen or fall into the wrong hands. Finally, the Coalition does not see how this device can be manufactured for all of the various garage door code systems, by all of the different manufacturers, without using the algorithms of the rolling code systems – all of which are protected under intellectual property law (and which protections have been previously upheld and enforced in court).

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- The Coalition has voluntarily contacted LASD, the commander in charge of this project, and SAIC, the proposed manufacturer. The Coalition will continue to engage in such discussions as, like LASD, its goal is greater safety and security for citizens.

The Coalition anticipates providing the Commission with additional information that may be useful in understanding the technology used in garage door systems. As the Coalition is concerned about the effect that these devices would have on the safety of its customers, it supports an open dialogue between the parties on these issues.

Pursuant to Section 1.1206(b)(2) of the Commission's rules, this notice of an *ex parte* presentation is being filed electronically in connection with the docket of the proceeding. Please contact the undersigned at (202) 626-7719 should there be any questions.

Sincerely.

Donna A. Balaguer

cc (via e-mail):

Ira Keltz  
Julius Knapp  
Karen Rackley  
Bruce Romano  
Alan Stillwell  
John Reed  
Mark Wagner  
Robert Keller  
James Fitzgibbon  
Robert Ungar